

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MARCH 30TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 22, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 10301 Dyer Street (Rep. District #4)

Scheduling a public hearing to be held on April 27th, 2004 to determine if the property located at 10301 Dyer Street in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of November 26th, 2003, Dr. Luis R. Marioni, 3734 King Palm Drive, El Paso, Texas 79936, has been notified of the violations at this property. District #4

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

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DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
October 23, 2003**

Luis R. Marion
3734 King Palm Dr.
El Paso, Texas 79936-1510

Re: 10301 Dyer St.
Lots: 31 to 36 (EXC SQ
17.22 Ft of 31 & 32)
Blk: Parkland
Zoned: C-3
COD03-16662
Certified Mail Receipt #
7003 1010 0004 5303 9992

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

10301 Dyer St.

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at **10301 Dyer St.** has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing Vandalism, and the premises need to be cleaned of all trash and debris Within (30) days from receipt of this letter.
- l. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated, secured, repaired or demolished as per Sec. 18.52.040.

10301 Dyer St.

- m. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

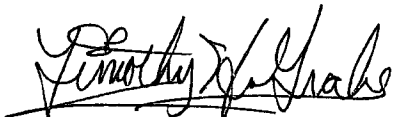
If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

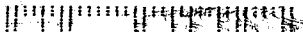
Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:



Timothy H. Grabe
Building Inspector

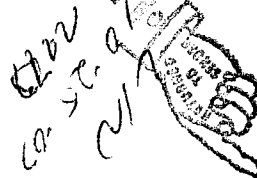
THG/rvj



7 9936+1510

LUIS R. MARIONI
3734 KING PALM DR.
EL PASO, TEXAS 79936-1510

RETURN RECEIPT REQUESTED



Building Permits and Inspections
Code Enforcement

The City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196



7003 1010 0004 5303 9992



UNITED MAIL™

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LUIS R. MARIONI
3734 KING PALM DR.
EL PASO, TEXAS 79936-1510
RE: 10301 DYER ST.
THG

LTR #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 1010 0004 5303 9992

7003 1010 0004 5303 9992

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	OCT 24 2003 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

LUIS R. MARIONI
3734 KING PALM DR.
EL PASO, TEXAS 79936-1510
RE: 10301 DYER ST.
THG

PS Form 3800, June 2002

See Reverse for Instructions

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10301 Dyer Street, in El Paso, Texas, which property is more particularly described as:

Lots: 31, 32, 33, 34, 35, 36, 37 and 38, Parkland Addition (First Supplemental Map)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Dr. Luis R. Marioni, 3734 King Palm Drive, El Paso, Texas 79936, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 30th day of March, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Teresa Garcia
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 10-27-03

REP. DISTRICT: 4

ADDRESS: 10301 Dyer Street

ZONED: C-3

LEGAL DESCRIPTION: Lots 31-38, Parkland Addition

OWNER: Dr. Luis R. Marioni

BUILDING USE: Abandoned Manufactured Homes

TYPE OF CONSTRUCTION: V

FOOTINGS: Mobile home tie downs
CONDITION:

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Plywood over 2 x 6 joists
CONDITION: Poor

EXTERIOR WALLS: 2 x 4 Wood with metal siding

HEIGHT: 8' **THICKNESS:** 4"

CONDITION: Fair

INTERIOR WALLS & CEILINGS: 2 x 4 Wood with 1/8" wood paneling
CONDITION:

ROOF STRUCTURE: Flat metal on 2 x 4 wood
CONDITION: Fair

DOORS, WINDOWS, ETC.: Wood doors, metal frame windows
CONDITION: Poor, some broken

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Water is off.

ELECTRICAL: Electric if off.

MECHANICAL:

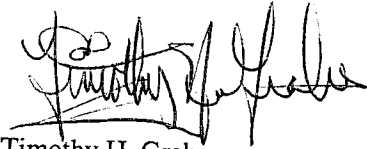
IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: There are 2 mobile homes on this property. One on the north side, the second centrally located. Both are in an advanced state of disrepair and need to be removed from property and demolished. Fence around property has been damaged allowing entry of unwanted persons leading to vandalism of mobile homes. Property needs to be secured and cleaned of all weeds, trash and debris.

A handwritten signature in black ink, appearing to read 'Timothy H. Grabe', written over a horizontal line.

Timothy H. Grabe
Building Inspector

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: November 4, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Samuel Jarvis, Sr. Environmental Health Inspector

SUBJECT: Condemnation Report

Re: 10301 Dyer St.

An inspection of the property was conducted on November 4, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

Trash was noted around the solid waste area.

SECTION 9.04.340 - ACCUMULATIONS

High grass, weeds and junk were noted with in the property.

SECTION 9.16 - NUISANCE

High vegetation is creating vermin harborage, also the damaged chain link Fence a public eye sore.

SECTION 9.16.010 - DESIGNATED

The property looks to be abandoned and not maintained.

SECTION 9.28 - RAT CONTROL

N/A

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.